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S. Robert Chuey 39,140  
Name of Attorney Registration No.  
Signature of Attorney

#16  
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NOV 06 2002  
D. Thomas

TECH CENTER 1600/2900

P&G Case 8398



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of :  
Matthew Thomas Heisey, et al. : Confirmation No. 1681  
Serial No. 09/759,965 : Group Art Unit: 1623  
Filed: January 12, 2001 : Examiner: L.E. Crane

For LOW CARBOHYDRATE COMPOSITIONS, KITS THEREOF, AND METHODS OF USE

NOTICE OF APPEAL

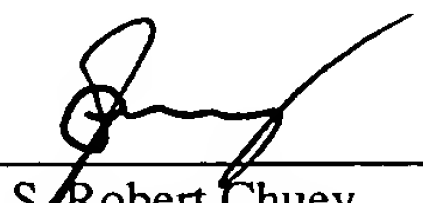
Box AF  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated July 30, 2002 (Paper No. 11) of the Primary Examiner finally rejecting Claims 1,2,4, 7-14, 16 and 19-50.

Please charge the appeal fee of \$320.00, any processing fee under 37 CFR §1.17, and any other necessary fees to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company, Patent Division. An additional copy of this Notice is enclosed for that purpose.

Respectfully submitted,

By   
S. Robert Chuey  
Attorney for Applicants  
Registration No. 39,140  
(513) 634-0102

Date: October 30, 2002

Customer No. 27752

11/05/2002 AWONDAF1 00000028 162480 09759965

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**FEE TRANSMITTAL  
for FY 2003**

Patent fees are subject to annual revision.

**Complete if Known**

Application Number	09/759,965
Confirmation Number	1681
Filing Date	January 12, 2001
First Named Inventor	Matthew Thomas Heisey
Examiner Name	L.E. Crane
Group/Art Unit	1623
Attorney Docket No.	8398

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**TOTAL AMOUNT OF PAYMENT (\$)** 320.00**METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 16-2480

Deposit Account Name The Procter &amp; Gamble Company

- ☒ Charge Any Additional Fee Required Under status. 37 C.F.R. §§1.16 and 1.17

**FEE CALCULATION****1. BASIC FILING FEE – Large Entity**

Code (\$)	Fee Description	Fee Paid
1001 740	Utility filing fee	<input type="checkbox"/>
1002 330	Design filing fee	<input type="checkbox"/>
1004 740	Reissue filing fee	<input type="checkbox"/>
1005 160	Provisional filing fee	<input type="checkbox"/>

**SUBTOTAL (1)** (\$)[0]**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE – Large Entity**

	Extra	Fee from	Fee
	Claims	Below	Paid
Total Claims	<input type="checkbox"/> - 20** = <input type="checkbox"/> x <input type="checkbox"/>		= <input type="checkbox"/>

Independent Claims ☐ - 3\*\* = ☐ x ☐ =☐Multiple Dependent ☐ =☐

\*\* or number previously paid, if greater; For Reissues, see below

Code (\$)	Fee Description
1202 18	Claims in excess of 20
1201 84	Independent claims in excess of 3
1203 280	Multiple dependent claim, if not paid
1204 84	**Reissue independent claims over original patent
1205 18	**Reissue claims in excess of 20 & over original patent

**SUBTOTAL (2)** (\$)[0]**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Code (\$)	Fee Description	Fee Paid
1051 130	Surcharge-late filing fee or oath	<input type="checkbox"/>
1052 50	Surcharge-late provisional filing fee or cover sheet	<input type="checkbox"/>
1053 130	Non-English specification	<input type="checkbox"/>
1812 2,520	For filing a request for <i>ex parte</i> reexamination	<input type="checkbox"/>
1804 920*	Requesting publication of SIR prior to Examiner's action	<input type="checkbox"/>
1805 1,840*	Requesting publication of SIR after Examiner's action	<input type="checkbox"/>
1251 110	Extension for reply within 1 <sup>st</sup> month	<input type="checkbox"/>
1252 400	Extension for reply within 2 <sup>nd</sup> month	<input type="checkbox"/>
1253 920	Extension for reply within 3 <sup>rd</sup> month	<input type="checkbox"/>
1254 1,440	Extension for reply within 4 <sup>th</sup> month	<input type="checkbox"/>
1255 1,960	Extension for reply within 5 <sup>th</sup> month	<input type="checkbox"/>
1401 320	Notice of Appeal	<input checked="" type="checkbox"/>
1402 320	Filing a brief in support of an appeal	<input type="checkbox"/>
1403 280	Request for oral hearing	<input type="checkbox"/>
1451 1,510	Petition to institute a public use proceeding	<input type="checkbox"/>
1452 110	Petition to revive - unavoidable	<input type="checkbox"/>
1453 1,280	Petition to revive - unintentional	<input type="checkbox"/>
1501 1,280	Utility issue fee (or reissue)	<input type="checkbox"/>
1502 460	Design issue fee	<input type="checkbox"/>
1460 130	Petitions to the Commissioner	<input type="checkbox"/>
1807 50	Petitions related to provisional applications (37 C.F.R. 1.17(q))	<input type="checkbox"/>
1806 180	Submission of Information Disclosure Statement	<input type="checkbox"/>
1809 740	Filing a submission after final rejection (37 CFR § 1.129(a))	<input type="checkbox"/>
1810 740	For each additional invention to be examined (37 CFR §1.129(b))	<input type="checkbox"/>
1801 740	Request for Continued Examination (RCE)	<input type="checkbox"/>
1802 900	Request for expedited examination of a design application	<input type="checkbox"/>
1454 1280	Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c)	<input type="checkbox"/>
Other fee (specify) _____		<input type="checkbox"/>
Other fee (specify) _____		<input type="checkbox"/>

\* Reduced by Basic Filing Fee Paid **SUBTOTAL(3)** (\$) [320]**SUBMITTED BY**

Name (Print/Type)

S. Robert Chuey

Registration No.

39,140

Telephone

(513) 634-0102

Signature

Date

October 30, 2002

WARNING: Information on this form may become public. Credit Card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.